

#9

Attorney Docket No.: 02-107010US
Client Reference No.: 0186.210US**DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **NOVEL GLYPHOSATE N-ACETYL TRANSFERASE (GAT) GENES** the specification of which was filed on October 29, 2001 as Application No. 10/004,357.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

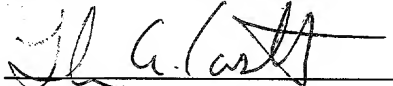
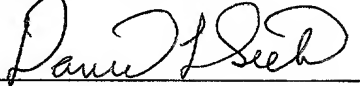

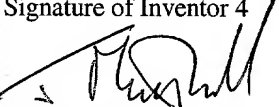
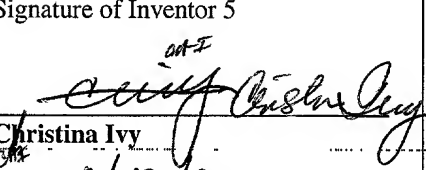
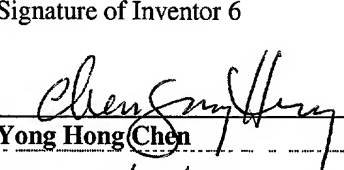
Application No.	Filing Date
60/244,385	October 30, 2000

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Full Name: Linda A. Castle		
Residence & Citizenship:	City: Mountain View	State/Foreign Country: California	Country of Citizenship: the United States
Post Office Address:	Post Office Address: 784 Hans Avenue, Mountain View, CA 94040		
Full Name of Inventor 2:	Full Name: Dan Siehl		
Residence & Citizenship:	City: <i>Menlo Park DJS</i> Mountain View	State/Foreign Country: California	Country of Citizenship: the United States
Post Office Address:	Post Office Address: <i>Menlo Park DJS</i> 310 Durham Street, Mountain View, CA 94025		
Full Name of Inventor 3:	Full Name: Lorraine J. Giver		
Residence & Citizenship:	City: Santa Clara	State/Foreign Country: California	Country of Citizenship: the United States
Post Office Address:	Post Office Address: 2538 Hawkington Ct., Santa Clara, CA 95051 USA		
Full Name of Inventor 4:	Full Name: Jeremy Minshull		
Residence & Citizenship:	City: Menlo Park	State/Foreign Country: California	Country of Citizenship: the United Kingdom
Post Office Address:	Post Office Address: 842 Hermosa Way, Menlo Park, CA 94025		
Full Name of Inventor 5:	Full Name: <i>CA</i> Christina Ivy		
Residence & Citizenship:	City: San Jose <i>LOS ALTOS</i>	State/Foreign Country: California	Country of Citizenship: the United States
Post Office Address:	Post Office Address: 1349 Flora Avenue, San Jose, CA 95130 <i>1020 LOMA PRIET CT., LOS ALTOS 94024</i>		
Full Name of Inventor 6:	Full Name: Yong Hong Chen		
Residence & Citizenship:	City: Foster City	State/Foreign Country: California	Country of Citizenship: China
Post Office Address:	Post Office Address: 3828 Vega Circle, Foster City, CA 94404		
Full Name of Inventor 7:	Full Name: Nicholas B. Duck		
Residence & Citizenship:	City: Apex	State/Foreign Country: North Carolina	Country of Citizenship: the United States
Post Office Address:	Post Office Address: 1227 Tartarian Trail, Apex, NC 27502		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  Linda A. Castle Date 02-08-02	Signature of Inventor 2  Dan Siehl Date 02-13-02 DPS	Signature of Inventor 3  Lorraine J. Giver Date 2/6/02
Signature of Inventor 4  Jeremy Minshull Date 6 Feb 2002	Signature of Inventor 5  Christina Ivy Date 2/13/02	Signature of Inventor 6  Yong Hong Chen Date 2/11/02
Signature of Inventor 7 Nicholas B. Duck Date		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
<u>Linda A. Castle</u>	<u>Dan Siehl</u>	<u>Lorraine J. Giver</u>
Date	Date	Date

Signature of Inventor 4	Signature of Inventor 5	Signature of Inventor 6
<u>Jeremy Minshull</u>	<u>Christina Ivy</u>	<u>Yong Hong Chen</u>
Date	Date	Date

Signature of Inventor 7
<u>Nicholas B. Duck</u>
Date <u>February 25, 2002</u>

PE JCTB
MAR 25 2002

0186.210 US

(Modified) PTO/SB/81 (11-96)
Approved for use through 6/30/99. OMB 0651-0035

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT, NOT ACCOMPANYING APPLICATION	Application Number	10/004,357
	Filing Date	October 29, 2001
	First Named Inventor	Linda A. Castle
	Group Art Unit	1645
	Examiner Name	Unassigned
	Attorney Docket Number	02-107010US

I hereby appoint:

☒ Practitioners at Customer Number

22798

Type Customer Number Here



AND

☒ Practitioner(s) named below:

Name	Registration Number
Norman J. Kruse	35,235
Sharon Fujita	38,459
Joanne Petithory	42,995
Margaret A. Powers	39,804
Christopher M. Holman	40,021

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

Firm or Individual Name				
Address				
Address				
City	State	Zip		
Country				
Telephone	Fax			

I am the

☐ Applicant.

☒ Assignee of record of the entire interest (*Certificate under 37 CFR 3.73(b) is enclosed*)

SIGNATURE of Applicant or Assignee of Record

Name	<i>Michael S. Robson</i>		
Signature	<i>x [Signature]</i>		
Date	2/13/02		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: March 15, 2002

Typed or printed name	<i>Juliana Hermes</i>		
Signature	<i>Juliana Hermes</i>	Date	March 15, 2002

STATEMENT UNDER 37 CFR 3.73(b)Applicant: Linda A. Castle, et al.Application No.: 10/004,357Filed: October 29, 2001Entitled: NOVEL GLYPHOSATE N-ACETYL TRANSFERASE (GAT) GENESMaxygen, Inc.

, a

corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel __, Frame __, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

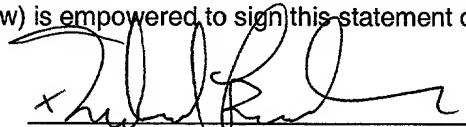
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2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

2/13/02
Date


Signature

Michael S. Rabson

General Counsel
And Senior Vice President

Title

COPY

1. Additional name(s) of conveying party(ies):
(Continued from Page 1)

Dan Siehl
Lorraine J. Giver
Jeremy Minshull
Cristina Ivy
Yong Hong Chen

2. Additional name(s) and address(es) of receiving party(ies):
(Continued from Page 1)

3. Additional application number(s) or patent number(s):
(Continued from Page 1)

A. Patent Application No.(s)

B. Patent No.(s)

COPY

Attorney Docket No.: 02-107010US
Client Reference No.: 0186.210US

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Linda A. Castle, of 784 Hans Avenue, Mountain View, CA 94040, Dan Siehl of 310 Durham Street, Mountain View, CA 94025, Lorraine J. Giver of 2538 Hawkington Ct., Santa Clara, CA 95051 USA, Jeremy Minshull, 842 Hermosa Way, Menlo Park, CA 94025, Christina Ivy of 1349 Flora Avenue, San Jose CA 95130, and Yong Hong Chen of 3828 Vega Circle, Foster City, CA 94404 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: NOVEL GLYPHOSATE N-ACETYL
TRANSFERASE (GAT) GENES

Filing Date: October 29, 2001

Application No.: 10/004,357; and

WHEREAS, Maxygen, Inc., a Delaware corporation, located at 515 Galveston Drive, Redwood City, California 94063 United States of America, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and which claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

NOT FOR RECORDATION

COPY

Assignment
Application No.: 10/004,357
Page 2

IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

Dated: 2-8-02

Linda A. Castle
Linda A. Castle

SIGNATURE WITNESSED BY:

(1) Date: 2/8/02

Waine Dyer
Signature of Witness 1

Dated: 2/13/02

Dan Siehl
Dan Siehl

SIGNATURE WITNESSED BY:

(1) Date: 2/13/02

Waine Dyer
Signature of Witness 1

Dated: 2/6/02

Lorraine J. Giver
Lorraine J. Giver

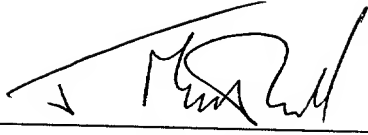
SIGNATURE WITNESSED BY:

(1) Date: 2/6/02

Waine Dyer
Signature of Witness 1

COPY

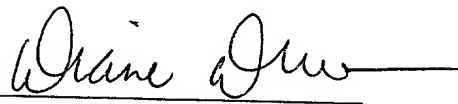
Dated: 6 Feb 2002



Jeremy Minshull

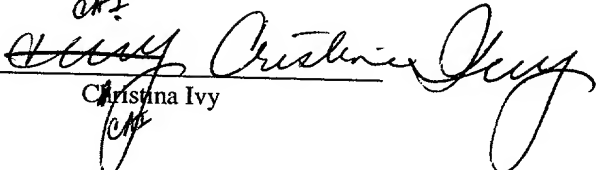
SIGNATURE WITNESSED BY:

(1) Date: 2/6/02



Signature of Witness 1


Dated: 2/13/02

^{CAI}


Christina Ivy

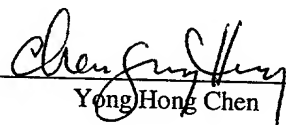
SIGNATURE WITNESSED BY:

(1) Date: 2/13/02



Signature of Witness 1

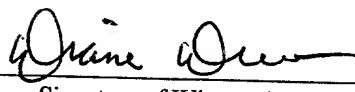
Dated: 2/11/02



Yong Hong Chen

SIGNATURE WITNESSED BY:

(1) Date: 2/11/02



Signature of Witness 1



(Modified) PTO/SB/81 (11-96)
Approved for use through 6/30/99. OMB 0651-0035

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT, NOT ACCOMPANYING APPLICATION	Application Number	10/004,357
	Filing Date	October 29, 2001
	First Named Inventor	Linda A. Castle
	Group Art Unit	1645
	Examiner Name	Unassigned
	Attorney Docket Number	02-107010US

I hereby appoint:

☒ Practitioners at Customer Number

22798

Type Customer Number Here



22798

PATENT TRADEMARK OFFICE

AND

☒ Practitioner(s) named below:

Name	Registration Number
Norman J. Kruse	35,235
Sharon Fujita	38,459
Joanne Petithory	42,995
Margaret A. Powers	39,804
Christopher M. Holman	40,021
Louise Foutch	37,133

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

Firm or Individual Name					
Address					
Address					
City		State		Zip	
Country					
Telephone		Fax			

I am the

☐ Applicant.

☒ An assignee of an undivided part interest (*Certificate under 37 CFR 3.73(b) is enclosed*)

SIGNATURE of Applicant or Assignee of Record

Name	Herbert H. Jervis, Vice President and Chief Intellectual Property Counsel				
Signature					
Date	2/7/02				

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: March 15, 2002

Typed or printed name	Juliana Hermes		
Signature		Date	March 15, 2002

STATEMENT UNDER 37 CFR 3.73(b)

Applicant: Linda A. Castle, et al.

Application No.: 10/004,357

Filed: October 29, 2001

Entitled: NOVEL GLYPHOSATE N-ACETYL TRANSFERASE (GAT) GENES

Pioneer Hi-Bred International, Inc., a

corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel __, Frame __, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

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The document was recorded in the Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.
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3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

2/7/02
Date

Herbert H. Jervis
Signature

Herbert H. Jervis
Typed or printed name

Vice President and Chief Intellectual
Title Property Counsel

NOVEMBER 20, 2001

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

LAW OFFICES OF JONATHAN ALAN QUINE
JONATHAN A. QUINE
P.O. BOX 458
ALAMEDA, CA 94501

PTAS
RECEIVED

DEC 03 2001



101843011A

LAW OFFICES OF
JONATHAN ALAN QUINE

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/10/2001

REEL/FRAME: 012149/0868
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DUCK, NICHOLAS B.

DOC DATE: 07/30/2001

ASSIGNEE:

PIONEER HI-BRED INTERNATIONAL,
INC.
800 CAPITAL SQUARE
400 LOCUST STREET
DES MOINES, IOWA 50309

SERIAL NUMBER: 60244385
PATENT NUMBER:

FILING DATE: 10/30/2000
ISSUE DATE:

MARCUS KIRK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT - WORLDWIDE

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and in fulfillment of a pre-existing obligation of assignment, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, as indicated below, unto

PIONEER HI-BRED INTERNATIONAL, INC.
800 Capital Square
400 Locust Street
Des Moines, Iowa 50309

its successors and assigns, the entire right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries in and to the invention in **"NOVEL GLYPHOSATE N-ACETYL TRANSFERASE (GAT) GENES"**

as set forth in this United States Patent Application

☐
☒
☒

executed concurrently herewith
executed on July 30, 2001
Serial No. 60/244,385 filed October 20, 2000

said application for United States Letters Patent, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions or upon said applications and every priority right that is or may be predicated upon or arise from said inventions, said applications, and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents and Trademarks of the United States of America being hereby authorized to issue or transfer all said Letters Patent to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right theretofore given, and that the undersigned will do all acts reasonably serving to ensure that the said inventions, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned if this assignment had not been made, and particularly to execute and deliver to said Assignee all lawful documents including petitions, specifications, oaths, assignments, invention disclaimers, and lawful affidavits in form and substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions or the history thereof and any and all documents, photographs, models, samples or other physical exhibits which may be of said inventions, and to testify in any proceedings relating to said inventions, patent applications, Letters Patent.